

REMARKS

The Examiner objected to the claims due to a mis-numbering. The Examiner acknowledged the Applicant's election without traverse of claims 47-51 and 67-72. Additionally, the Examiner rejected claims 47-49, 51, 67-70, and 72 under 35 U.S.C. 102(e) as anticipated by Tucker (US2003/0114258a1). Further, the Examiner rejected claims 67, 69, 70, and 72 under 35 U.S.C. 102(e) as anticipated by Brine et al. (US2004/0224798a1). Moreover, the Examiner rejected claims 50 and 71 under 35 U.S.C. 103(a) as obvious over Tucker. Finally, the Examiner rejected claim 71 under 35 U.S.C. 103(a) as obvious over Brine et al.

The Claim Objections:

The Examiner objected to the claims due to a confusion in the numbering. The copy of the specification filed with the present Continuation Application contained claims 1-20. However, the Preliminary Amendment filed by the Applicants cancelled claims 1-46 and added claims 47-72. The Applicants made an error as claims 21-46 never existed in the present application. This was an oversight on the Applicants' part and the undersigned apologizes for any inconvenience this may have cause.

Instead of renumbering the claims, the Applicant believes it would be less confusing to maintain the current claim numbering with the recognition that claims 21-46 have been skipped as these numbers did not correspond to any actual claims.

It is submitted that the objections to the claims have been overcome. However, if the Examiner disagrees or requires further clarification, the Applicant is willing to make whatever changes to the claim numbering as is required.

The Section 102 (e) Rejections:

The Examiner rejected claims 47-49, 51, 67-70, and 72 under 35 U.S.C. 102(e) as anticipated by Tucker (US2003/0114258a1). The Examiner also rejected claims 67, 69, 70, and 72 under 35 U.S.C. 102(e) as anticipated by Brine et al. (US2004/0224798a1). The Applicant addresses each of these individually below.

Tucker et al.

Claim 47:

Claim 47 requires a method of forming a lacrosse head including injection molding an integral frame element, having a base portion, a scoop portion opposite the base portion, a socket portion for receiving a lacrosse stick, and a pair of opposing sidewalls extending between the base portion and the scoop portion. The method also includes overmolding a non-skid surface onto at least a portion of one of the sidewalls to impart friction to a lacrosse ball that contacts the non-skid surface. The non-skid surface includes a plurality of small structures that are raised with respect to the non-skid surface and are located in close proximity to one another.

Conversely, Tucker fails to disclose, let alone teach or suggest, a non-skid surface having small structures that are raised with respect to the non-skid surface and that are located in close proximity to one another. The structures in Tucker along the upper rims of the sidewall (See e.g. Figures 3 and 5) are relatively large in size. This is evidenced by the fact that they are include for a different purpose than to impart friction on a lacrosse ball. Specifically, they are located along the upper rim, where the ball does not typically contact when it its entering or leaving the head. These structures are more akin to ball retaining ridges or structures located along the upper rim. To the extent there are other structures on the sidewall, they are relatively long elongated structures.

Accordingly, it is respectfully submitted that claim 47 is allowable over the Tucker reference and that claims 48, 50-51, and 72-74, which depend from claim 74, are allowable for the same reasons.

Claim 67:

Claim 67 requires a method of forming a plastic lacrosse head, including injection molding a frame element, having a base portion, a scoop portion, a socket portion for receiving a lacrosse stick, and a pair of opposing sidewalls extending between the base portion and the scoop portion. The method also includes forming a non-skid surface onto at least a portion of each of the sidewalls of the frame element. The non-skid surface imparts friction to a lacrosse ball that contacts the non-skid

surface. The non-skid surface includes a plurality of raised protuberances thereon that form a texture.

Claim 67 as amended is clearly distinguishable from Tucker. Tucker does not disclose a non-skid surface having a plurality of raised protuberances that form a texture. To the extent Tucker discloses overmolding of a non-skid surface, the surface disclosed in the Tucker reference discloses structures on the sidewalls such as ridges. These ridges are formed along the upper rim of the lacrosse head and are structures which are significantly different from a raised texture, which consists of a distinctive surface characteristic or quality. In other words, Applicants' claim 67 requires a non-skid surface having a distinctive surface characteristics as opposed to Tucker, which discloses larger structures that are not characteristics of the surface, but instead structures formed in the sidewall.

It is therefore submitted that claim 67 is clearly allowable over the Tucker reference and that claims 68-69, 71, 75-78, which depend from claim 67 are allowable for the same reasons.

Claim 79:

Claim 79 is newly added and requires a non-skid structure having a raised texture that consists of a plurality of relatively small closely spaced structures. For the same reasons provided above, this feature is not taught or suggested by Tucker.

Brine et al.

The Brine et al. reference does not disclose, teach or suggest any of Applicant's claims for at least the reasons provided below. First, the softer sidewall portions 21 do not any texture or raised protuberances as required by Applicant's claims. The softer sidewall portions 21 in Brine appear to be essentially – if not entirely – smooth or flat. Further, the softer sidewall portion 21 are not formed --let alone overmolded--on the frame. They are attached by a mechanical application.

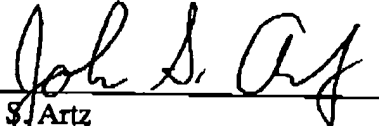
It is therefore submitted that all pending claims are allowable over Brine et al.

Conclusion:

It is respectfully submitted that all objections and rejections of record have been overcome and that all pending claims are in condition for allowance. A notice of allowance is therefore earnestly solicited.

If the Examiner should have any questions, he is urged to contact the undersigned.

Respectfully submitted,
ARTZ & ARTZ P.C.



John S. Artz
Registration No. 36,431
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
(248) 223-9500

Dated: June 10 2005